

*Jeffrey D. Hill v. New Castle County, et al.*

C. A. No. 07-228 (GMS)

Plaintiff's Answering Brief In Opposition Of Defendants' Motion For Summary Judgment

# **APPENDIX A**

## **PART 2**

1 chief of police.

2 Q. So you had a step 1 grievance that he presided  
3 over?

4 A. Yes.

5 Q. How about aside from that?

6 A. He was the officer that I -- I should say the  
7 colonel. He was the colonel that I originally drafted  
8 a memo requesting that the department investigate the  
9 first memo with truthfulness in conduct towards a  
10 subordinate.

11 Q. When you say you directed a memo to him, was  
12 this a memo requesting that he or someone investigate  
13 Sergeant Hyden, when you say truthfulness toward a  
14 subordinate.

15 A. I was requesting that the Internal Affairs  
16 Division do that.

17 Q. Do you recall the date of this memo?

18 A. Not off the top of my head.

19 Q. Did he take any action with respect to that  
20 memo?

21 A. He responded to it, but, no, he did not take  
22 any action.

23 Q. What was his response?

24 A. I don't have the document in front of me, but



1 it was to the nature of he felt it was unethical at  
2 the time to respond to my allegations.

3 Q. Why was that?

4 A. I believe it said something because I was in a  
5 grievance process at the time.

6 Q. Had you concluded step 1 by that time?

7 A. Yes. That was after step 2.

8 Q. Did you eventually go to step 3 of the  
9 grievance procedure?

10 A. Yes.

11 Q. Were the grievance proceedings still ongoing at  
12 that point?

13 A. From a union standpoint we didn't know. We had  
14 requested a step 3. We had not found out if we were  
15 going to be granted one.

16 Q. Do you have any reason to believe that you  
17 would not be granted a step 3 hearing?

18 A. No.

19 Q. And aside from what we've discussed, Lieutenant  
20 Colonel McClaren, was he aware of any other issues  
21 that are contained in the complaint?

22 A. Being that he was the chief of the police, I  
23 would tend to believe he has a lot of knowledge of the  
24 complaint, I would think.



1 Q. Captain Debra Reece?

2 A. She was the captain in charge of the Southern  
3 Patrol District now.

4 Q. And what can she tell us about the matters  
5 contained in the complaint?

6 A. Like Sergeant McKenna, she knew that I had a  
7 problem over at the mounted. And like I said, in a  
8 brief conversation I told her that -- I remember  
9 something along the nature, I had -- I was having  
10 problems with Sergeant Hyden.

11 Q. Did you initial indicate the conversation with  
12 about your problems with Sergeant Hyden or did she  
13 come to you?

14 A. I don't recall.

15 Q. Did you ever have any other conversations with  
16 her about Sergeant Hyden or the matters in the  
17 complaint?

18 A. Not that I can recall, no.

19 Q. Would Captain Reece have an opportunity to have  
20 supervised you during your time at Southern Patrol?

21 A. She has always been the commander of Southern  
22 Patrol since I've -- this last time out of the  
23 mounted, since I've been there.

24 Q. Captain Elmer Setting?



1 A. He is the -- he was the commander of the  
2 mounted unit when I was first in there.

3 Q. How long was he commander? Do you remember the  
4 years.

5 A. 2001, 2002, around that time frame.

6 Q. And was it after Captain Setting left that  
7 Sergeant Hyden came in?

8 A. No.

9 Q. It was after Captain Setting?

10 A. There was captain -- he was then Lieutenant  
11 Setting. Then there was a short time period when  
12 Lieutenant Crowell was the mounted commander. I don't  
13 recall how long that was. Months. And then, from  
14 him, Sergeant Hyden.

15 Q. You said it's Lieutenant Setting?

16 A. No. It was lieutenant. Now it's captain.

17 Q. I thought I was getting those backwards.

18 What else can he tell us about the matters  
19 that are contained in the complaint?

20 A. When I first -- he was in charge of the  
21 mounted. When I originally made my complaint, that  
22 was to him verbally. I told him I was having problems  
23 and I briefly described some of my problems to him  
24 over the phone.



1 Q. And we'll get into this during the course of  
2 the deposition.

3 A. Okay.

4 Q. Have you had any conversations with Captain  
5 Setting regarding the matters contained in the  
6 complaint since you initially made that complaint to  
7 him?

8 A. I do recall seeing him at headquarters when I  
9 was working up in his district, and I remember the  
10 conversations were I was puzzled as to why I was  
11 transferred out. I remember relating that to him.

12 Q. Did he have a response to you regarding your  
13 transfer?

14 A. No. Not that I recall he didn't.

15 Q. Have you talked to him since that time?

16 A. I remember seeing him here -- I'm sorry -- at  
17 the new county police headquarters when I was up when  
18 I had applied for another position, another position  
19 within the department. That was -- I think it was the  
20 end of last summer.

21 Q. And did you discuss the matters in the  
22 complaint with him then?

23 A. No.

24 Q. Sergeant Daniel Yeager, he is no longer with



1 the county, is that correct?

2 A. Yes.

3 Q. And why is he listed here?

4 A. He was present with Sergeant Gregory when the  
5 Internal Affairs Division took my statement about the  
6 complaint I made of Sergeant Hyden.

7 Q. Aside from his involvement in the professional  
8 standards investigation, have you ever had any other  
9 conversation with him about the matters contained in  
10 there?

11 A. No.

12 Q. The people who were listed in item 17 through  
13 22, it says that they are either formerly or currently  
14 employed with the mounted unit. Those are William  
15 Brown, David "Doc" Devine, Andrew Guyton, James  
16 Hennessey, Darla Hoff, and Rosemarie Williams.

17 What would Officer Brown tell us about the  
18 matters contained in the complaint?

19 A. I can't speak for Officer Brown.

20 Q. Have you had an opportunity to talk with  
21 Officer Brown about your complaint against Sergeant  
22 Hyden?

23 A. We have spoke.

24 Q. Has he ever shared his opinions regarding that



1 complaint or offered you any advice regarding that  
2 complaint?

3 A. No advice that I can recall.

4 Q. What about, has he had any opinions on what you  
5 had to say?

6 A. If I can recall, I believe a while back he did.  
7 His opinion was he felt that I didn't deserve to be  
8 transferred out of the mounted unit.

9 Q. Corporal Devine, where does he work now?

10 A. He actual -- I works in the patrol division.

11 Q. SPU?

12 A. Yes.

13 Q. Do you see him often down at SPU?

14 A. Not that often.

15 Q. Have you ever talked to Corporal Devine about  
16 the matters contained in the complaint?

17 A. Briefly.

18 Q. And why would he be listed here aside from the  
19 fact that you both worked in the mounted unit?

20 A. Right. He was in the mounted unit. I'm sorry.  
21 Park/mounted when I was there, and it's my belief that  
22 he has some -- he could have witnessed some of the  
23 treatment, I guess, things that were done and said by  
24 Sergeant Hyden.





1 Q. Have you ever discussed with him whether or not  
2 he witnessed some of that alleged treatment?

3 A. I don't think I did.

4 Q. How long was he in the park/mounted unit?

5 A. He was there before I came on board, so I'm not  
6 exactly sure.

7 Q. What were the circumstances leading to him not  
8 being in the mounted unit, if you know?

9 A. He was transferred out. When I spoke -- I did  
10 speak with him briefly, and it was his belief to me --  
11 he related to me that he felt he was transferred out.  
12 One of the primary reasons was because of a vacation  
13 that he refused to withdraw.

14 Q. Do you know the circumstances of that?

15 A. I believe he had said that his wife had paid  
16 for a very expensive -- I believe it was elk hunting  
17 trip out west somewhere, and it was paid for. And at  
18 least a year in advance, if not more. He said that it  
19 happened to be on one of the -- part of the vacation  
20 was during -- I believe it was a weekend where we had  
21 an event in Carousel Park. I think it was a Sleep  
22 Under the Stars for the kids.

23 He said that the Sergeant Hyden wanted him  
24 to withdraw his vacation to attend that function. He



1 said -- I believe he had said, when he refused to do  
2 so and explained the circumstances, she still wanted  
3 him to withdraw the vacation.

4 Q. What happened?

5 A. With what?

6 Q. Did he go on the vacation?

7 A. Yes. He went on the vacation.

8 Q. So how was this whole incident related to his  
9 transfer?

10 A. How was he --

11 Q. When I had asked you earlier why he was  
12 transferred out, you said you felt he was transferred  
13 out because of a vacation that he that refused to  
14 withdraw. I'm trying to --

15 A. That was one of the things that was his -- I  
16 guess I didn't speak with him at great length about  
17 why he felt he was transferred.

18 Q. Was this your opinion as to why he was  
19 transferred?

20 A. No. He did verbalize that to me, yes.

21 Q. Was he transferred because he didn't withdraw  
22 his vacation. Is that --

23 A. You'd have to ask him that. I don't know why  
24 he was transferred. His belief was -- in my opinion,



1 was that was one of the primary reasons why he was  
2 transferred. I don't know if it is his opinion it was  
3 the sole reason or not.

4 Q. Do you have any knowledge as to Sergeant  
5 Hyden's involvement in his transfer?

6 A. I don't know.

7 Q. Would there have been any other reasons, to  
8 your knowledge, that Corporal Devine would have been  
9 transferred from the park/mounted unit?

10 A. I don't know.

11 Q. Did you work with him while he was there?

12 A. Not very often, no.

13 Q. Did you ever work with him?

14 A. I don't believe I ever actually went out on  
15 patrol with him. I may have when they were training  
16 riders, but I don't recall going on patrol for any  
17 period of time with him, no.

18 Q. Did you have any knowledge of his work  
19 performance or how others perceived his work  
20 performance?

21 A. I don't know how other people perceived his  
22 work performance.

23 Q. Have you ever had a conversation with anybody  
24 about it?



1 A. Possibly, but I'm not sure.

2 Q. And could you describe his work performance at  
3 all?

4 A. I don't have direct knowledge of his work  
5 performance.

6 Q. Approximately how long was he in the unit prior  
7 to his transfer?

8 A. Like I said, he was in the parks unit prior to  
9 me being transferred into the mounted unit. He was in  
10 the parks unit. He was then at one point in time --  
11 he and another officer were cross trained to also ride  
12 the horses. So I don't know what his length of time  
13 was. I don't know.

14 Q. Officer Andy Guyton, what can he tell us about  
15 the matters in the complaint?

16 A. He's a member of the mounted unit, who has, my  
17 belief, witnessed some of the actions taken by  
18 Sergeant Hyden.

19 Q. Did you ever discuss these alleged actions by  
20 Sergeant Hyden with Officer Guyton?

21 A. I believe I did, yes.

22 Q. What types of things did you discuss with him?

23 A. Exact detail, I don't know. I don't recall. I  
24 remember saying I felt that some of her actions were



1 wrong and unfair, but the exact body of the  
2 conversations, I don't recall.

3 Q. Did Officer Guyton have a response?

4 A. I believe that he had told -- he had responded  
5 with he at times had felt the same way.

6 Q. What do you mean by "had felt the same way"?

7 A. He didn't really elaborate. He just felt that  
8 sometimes that he was treated differently by Sergeant  
9 Hyden as well.

10 Q. Did he say how he was treated differently?

11 A. I don't recall if he gave me examples or not.

12 Q. What about Officer Hennessey?

13 A. He was also a member of the mounted unit and  
14 witnessed -- I believe he witnessed some of the  
15 actions taken by Sergeant Hyden.

16 Q. Again, did you ever have discussion with him  
17 about some of these alleged actions that were taken by  
18 Sergeant Hyden?

19 A. Direct actions, no. Briefly, yes. Same thing  
20 I told him that I felt, you know, that things -- I was  
21 treated differently for reasons.

22 Q. And did he agree with you?

23 A. He didn't say anything.

24 Q. He didn't offer an opinion one way or the



1 other?

2 A. I don't recall him offering an opinion one way  
3 or the other.

4 Q. How long have you known Officer Hennessey?

5 A. Probably about -- if I had to guess, maybe 14,  
6 15 years.

7 Q. Do you socialize or did you socialize with him  
8 outside of the mounted unit while you were there?

9 A. Yes.

10 Q. What about Officer Guyton and Officer Brown?

11 A. Officer Guyton, yes. Officer Brown, I mean, we  
12 had seen each other off duty, going on a ski trip  
13 together. I don't socialize with him that much.

14 Q. Would you consider yourself to be friends with  
15 Officer Guyton and Officer Hennessey?

16 A. Yes.

17 Q. Do you still talk to Officers Brown, Guyton or  
18 Hennessey?

19 A. Very rarely.

20 Q. When was the last time you spoke to Officer  
21 Brown?

22 A. Actually he was working night shift. I believe  
23 it was a -- it was a few weeks ago, and he heard me on  
24 the radio. And he just called to say hi. I said,



1 "Hey, how your doing?" Just called -- it was a brief  
2 conversation because I believe I was busy working.

3 Q. What about Officer Guyton?

4 A. Every now and then we touch base on the phone,  
5 see what each other's doing, maybe get together.

6 Q. When's the last time you got together with  
7 Officer Guyton?

8 A. I believe it's been a while. Few times after  
9 the transfer out of the mounted unit, but it's been a  
10 long -- it was a while ago.

11 Q. What did you do when you went out?

12 A. We went out and had a drink.

13 Q. How about Officer Hennessey, same with him or  
14 no?

15 A. I've -- we've talked a few times. I have seen  
16 him at different areas, but...

17 Q. This is since the transfer?

18 A. This is since the transfer, yes.

19 Q. Actually, did you ever live with Officer  
20 Hennessey?

21 A. Yes.

22 Q. When was that?

23 A. Prior to him becoming a police officer, he was  
24 working -- I believe he worked for Canada Dry, and he



1 stayed in a townhouse I had in New Castle. The years,  
2 like I said, it was before he was an officer, so it  
3 was a while ago.

4 Q. How long did you guys live together?

5 A. I don't recall. Maybe a year. Or so.

6 Q. Would you consider him somewhat of a close  
7 friend?

8 A. Yes.

9 Q. What about Corporal Hoff, did you consider her  
10 a close friend?

11 A. Yes and no. Yes, I've known her for a long  
12 time. We haven't ever been real close personal  
13 friends, no.

14 Q. How would you describe your relationship with  
15 her?

16 A. I -- occasionally we cross our path at work.  
17 That's about it.

18 Q. Why is she listed here in terms of matters  
19 contained in the complaint?

20 A. She also has direct knowledge, in my opinion,  
21 of the incidents that were occurring in the complaint  
22 with Sergeant Hyden.

23 Q. Can you tell me what type of knowledge or what  
24 type of incidents she might have had knowledge about?





1 A. She was in the mounted unit when I was having  
2 these problems. So exactly what she's witness to,  
3 you'd have to ask her, but I believe she's involved  
4 with some of the incidents as well as witness the  
5 incidents.

6 Q. Do you believe that Officers Brown, Guyton, and  
7 Hennessey, and Corporal Hoff would support the  
8 allegations that are contained in the amended  
9 complaint?

10 A. I don't know.

11 Q. Have you ever talked to them to find out  
12 whether or not they agree with the allegations  
13 contained in the complaint?

14 A. I don't think I have.

15 Q. What about Rosemarie Williams, was she there  
16 while you were on the mounted unit?

17 A. On two different occasions, yes.

18 Q. What would she have to tell us?

19 A. She was there when I first got transferred into  
20 the mounted unit. She was transferred out of the  
21 mounted unit while I was there, then transferred back  
22 in on the day that I was transferred out.

23 Q. Were you ever transferred out of the mounted  
24 unit prior to your transfer in March of 2006?



1 A. I'm sorry. Repeat that again.

2 Q. Prior to your final transfer out of the mounted  
3 unit in March of 2006?

4 A. Right.

5 Q. Were you ever transferred out of the mounted  
6 unit for any reason, temporary or otherwise?

7 A. Yes.

8 Q. When was that?

9 A. The summer after we graduated from mounted  
10 training, I'm not -- the year, I guess it had to be  
11 2000 -- summer of -- I believe it was 2001.

12 Q. Where were you transferred?

13 A. There was -- I was transferred as well as other  
14 officers to patrol.

15 Q. Do you know why?

16 A. I believe the reason they said, because they  
17 were very short-handed during the summer and they  
18 needed officers to assist.

19 Q. And how did you get transferred back into the  
20 mounted unit?

21 A. At the end of the summer.

22 Q. Was it understood that at the end of the summer  
23 you would go back to mounted?

24 A. Yes.



1 Q. In your amended Rule 26 disclosure you listed  
2 Officer James Unger. Why is he listed?

3 A. He was present at the stables every so often.  
4 He also would go on different assignments with us, I  
5 guess you could say, to different parts for -- he  
6 would travel with us at times, whether it be mounted  
7 competitions -- I believe I recall him travelling with  
8 us to Washington D.C. for a parade.

9 Q. Was he part of the mounted unit or what?

10 A. No. He's not part of the mounted unit.

11 Q. Is this sort of like the other officer we were  
12 discussing that maybe was a former mounted officer  
13 that would still come and help out? I'm not sure --

14 A. That as well as he had a relationship with  
15 Corporal Hoff.

16 Q. What type of relationship?

17 A. Well, I don't know other than Corporal Hoff  
18 would frequently refer to him as her man.

19 Q. So they were dating?

20 A. To my knowledge, yeah, right.

21 Q. And would he have anything to tell us about  
22 Corporal Hoff relative to the matters contained in the  
23 complaint?

24 A. He was present, like I said, at different -- he



1 was also at the 2005 competition. So he was there as  
2 well as other officers.

3 Q. Did you ever discuss with him the events that  
4 occurred at the 2005 competition?

5 A. I don't -- I don't recall if I did or not.

6 Q. Aside from the fact that he dated Corporal  
7 Hoff, could he tell us anything else?

8 A. I don't know. You'd have to ask him that.

9 Q. Sergeant Fred Calhoun, why is he listed?

10 A. He is on the -- he, as well as Officer Unger  
11 travelled with us to different events. Same -- I'll  
12 go over them again. The competition, I know he was at  
13 the 2005 competition. I believe he travelled to D.C.  
14 with us, those are two examples. I believe he's also  
15 on the union board which is where I was filing my  
16 grievances. So it is my belief and my understanding  
17 he possibly had some say in whether -- on my grievance  
18 process. I don't know for sure. But that would be my  
19 opinion if he's on the union board.

20 Q. Did you ever have any indication that he was  
21 involved in your grievance process?

22 A. He's on the union board, so it would be my  
23 impression that he would have input.

24 Q. Do you have any issue with Sergeant Calhoun's



1 involvement in that process, any complaints about  
2 Sergeant Calhoun's involvement in that process, if  
3 any?

4 A. Not to my knowledge.

5 Q. What about Frank Cook?

6 A. He also is on the union board, and he was also  
7 present during a meeting I had with the union with  
8 reference to -- I was attempting to retain counsel for  
9 a -- for my step. I believe it was 2 and 3. I'm not  
10 sure. At least 3 hearing.

11 Q. How was he involved?

12 A. He's on the board that hears the request.

13 Q. Did he make any decision with respect to your  
14 request, or did the board?

15 A. He made -- well, there was a decision made on  
16 the board. He also -- he pulled me aside and spoke to  
17 me about it as well.

18 Q. What did he say?

19 A. He said that he felt that I needed to know that  
20 my grievance was not a popular grievance.

21 Q. How so?

22 A. That's what I asked him. He did not elaborate.  
23 He just said, you need to know. I asked him a second  
24 time who was this not popular with. And he just



1 smiled at me and said something to the effect that  
2 it's not popular. He didn't really elaborate. He  
3 just wanted to let me know that it was not a popular  
4 grievance. I said, "Are you talking about the staff  
5 members, staff?" He just kind of looked at me and  
6 would not elaborate on who he felt it wasn't popular  
7 with.

8 Q. When you said staff member, did you have a  
9 particular staff member in mind?

10 A. No.

11 Q. Did he have any conversations with you relative  
12 to your efforts in filing the grievance?

13 A. I'm sorry. Repeat that.

14 Q. Did he have any conversations with you relative  
15 to your efforts in filing the grievance or securing  
16 counsel or any other matters that the FOP would be  
17 involved in?

18 A. He did not -- to my knowledge, his position on  
19 the union board, he didn't have any direct impact on  
20 whether or not I filed. He was on the board which  
21 makes the decisions. Some of those decisions were  
22 made without me being present. So I don't know what  
23 his involvement was exactly.

24 Q. Did you have any opinion as to Corporal Cook's



1 involvement in this process, meaning, did you have any  
2 disagreements or concerns or problems with his  
3 involvement in the process?

4 A. After his comment, I was hoping he had no input  
5 because he made it clear to me that, in my opinion, he  
6 did not -- he didn't think I should be making the  
7 grievance when he made that comment about he felt it  
8 wasn't popular.

9 Q. Aside from that.

10 A. Not to my knowledge.

11 Q. What about Chris Shanahan?

12 A. He is an officer to my knowledge that had a  
13 direct conflict with Robert Merrill, Bob Merrill out  
14 of Carousel Park.

15 Q. What was the nature of that conflict?

16 A. To my knowledge, he had some type of dispute at  
17 a Sleep Under the Stars where Mr. Merrill ran over his  
18 feet with a vehicle.

19 Q. What does that have to do with any of the  
20 matters contained in the complaint?

21 A. Robert Merrill was present and also in charge  
22 of the park for a good portion of the last year or so  
23 when I was there. So he as well could have -- like I  
24 said, he, Bob Merrill was maybe -- possibly witnessed



1 some of the actions taken by Sergeant Hyden.

2 Q. Did he witness any actions that were taken by  
3 you relative to your time on the mounted unit?

4 A. Did who?

5 Q. Bob Merrill.

6 A. I'm sorry. Repeat that question.

7 Q. Did he ever have any chance to witness any  
8 actions that were taken by you or any performance  
9 issues by you relative to your time on the mounted  
10 unit?

11 A. My performance as an officer in the mounted  
12 unit, like my work? You're going to have to  
13 elaborate. I don't --

14 Q. Did you ever have any interaction with Bob  
15 Merrill while you were a member of the mounted unit?

16 A. Yes.

17 Q. What was the interaction?

18 A. Saw him every day because he was in charge of  
19 the park itself.

20 Q. Did you ever have any disagreements with Bob  
21 Merrill?

22 A. Yes.

23 Q. And can you explain the nature of that  
24 disagreement?





1 A. It's my belief that he felt at one time --  
2 well, he verbalized this to me one day that he felt I  
3 was talking about him in the mounted office about an  
4 issue with our -- something about our tack room.

5 Q. When did this conversation take place or when  
6 was it that you, I guess, made some --

7 A. I don't know the exact month. It was winter.  
8 It was the winter right before I was transferred.

9 Q. So was it 2006?

10 A. I believe so.

11 Q. Why don't you tell me what happened.

12 A. Okay. I had completed a day of working on  
13 patrol, and I was back at the stables, doing duties  
14 around the farm. I recall I was in the -- I don't  
15 want to say courtyard. It's the like the public  
16 courtyard out front. And I noticed Bob walking very  
17 quickly across the courtyard yelling in my direction,  
18 something of the nature as "I want to talk to you  
19 right now." And I do -- I was taken off guard  
20 because, when he approached me, I recall he was very  
21 upset, angry. His whole face was red. And he started  
22 blurting out, "I don't appreciate you talking about  
23 me."

24 Q. Now, at this point what was his title with



1 respect to Carousel?

2 A. He is the park manager, I guess you would call  
3 him.

4 Q. Is he involved in any way with the executive  
5 office?

6 A. I believe he is connected with the executive  
7 office, yes.

8 Q. Do you know if he was executive assistant or  
9 general manager at the time?

10 A. I think I've heard him refer to himself as  
11 Mr. Coons' executive assistant, yes, something of that  
12 nature. Yes.

13 Q. I'm sorry to interrupt you.

14 A. That's okay. Where was I?

15 Q. You were talking about how he had come up to  
16 you in the courtyard.

17 A. Yes. Initially I didn't -- when I saw him  
18 coming at me, I didn't know why he was yelling. As he  
19 got closer, he said, "I understand you have a problem  
20 with me." And I remember saying something, what's  
21 that? And he said, "I heard you" -- something of the  
22 nature "I heard you were talking about me this morning  
23 and you were" -- I think he used fucking, saying, fuck  
24 me and all that stuff and about him.



1 Q. He was saying that you were using that  
2 language --

3 A. Yes. Yes.

4 Q. -- regarding him?

5 A. Regarding him.

6 Q. And were you?

7 A. I do not believe I directly said it about Bob  
8 Merrill. And that's when I started to understand the  
9 conversation that he was referring to, and I assumed  
10 that at that point in time he was talking about the  
11 conversation that morning I was having in the office  
12 with some other members of the mounted unit. And it  
13 was --

14 Q. What was that?

15 A. -- involving -- we have a fairly large room.  
16 We call it the tack room where we keep all our  
17 equipment. When I say that, I mean tack equipment,  
18 horse saddles, gear, pretty much everything that we  
19 use within the mounted unit. And as large as that  
20 room is, we still barely fit everything in there.

21 And I believe Corporal Hoff had said --  
22 when I came in that morning, I remember her -- I  
23 believe something -- I believe it was her. Something  
24 about, can you believe Bob wants to take our tack room



1 and give us the closet next to the tack room, which  
2 was converted from a bathroom to a storage room for  
3 the civilian side. I remember I was -- I remember I  
4 was kind of like, wow, wow. I knew there's no  
5 possible way we could fit all our gear into that room.  
6 And I believe I used a profanity. Something along the  
7 lines of "Fuck this. Why would he do that."

8 And there have been other times that it  
9 seemed to me as well as other members of the unit that  
10 Bob was always trying to push the mounted unit around,  
11 so...

12 Q. Have there been other examples that you can  
13 tell me about how he tried to do that?

14 A. Yes.

15 Q. All right. After we're done --

16 A. After we are done with this?

17 Q. -- done with this story, we'll go back to this.

18 A. So I assumed at that point in time that was the  
19 conversation he -- I don't know if he felt he  
20 overheard it. He wasn't in the office, so I don't  
21 recall what -- I asked -- I recall asking him, "Well,  
22 what do you think I said? I will tell you what I  
23 said. If you -- I stand by my decision." He said,  
24 "You know what you said." And I had said, "Yeah, I



1 do, Bob, and obviously it's different than what you're  
2 believing." And he then responded with, "You're not a  
3 man. Fuck you and the boat you rode in on."

4 At that time I kind of -- like I said,  
5 he's -- he was in a position where I wasn't sure what  
6 was going to happen next. I was standing there in a  
7 public area, full uniform, and I wasn't -- I was  
8 threatened almost to the point where I felt -- I  
9 didn't know if he was ready to tangle with me and  
10 fight or what. So I said, "Bob, I think we should end  
11 this conversation. I really do." And I said, "I  
12 don't appreciate the way you're talking to me. We  
13 should end this conversation." He then said, "Well,  
14 that's okay. And you end it if you want." Something  
15 along the lines of "I've already made a complaint to  
16 your captain."

17 Q. So did you end the conversation on an amicable  
18 note or no?

19 A. Later we did because, when he said that, I  
20 recall saying, "Well, that's fine, Bob, but next time  
21 you think you hear something I said, why don't you  
22 come to me first and we can probably clarify it"  
23 because it was my opinion that he was believing I said  
24 something other than what I said. He believed I was



1 talking directly about him. And I was talking  
2 about -- it was my -- I was trying to relay  
3 information. I was talking about the circumstances of  
4 the tack room.

5 Q. Were you talking about a decision that he had  
6 made or was going to make?

7 A. I was talking about a decision he was going to  
8 possibly make, yes.

9 Q. By him?

10 A. That was my impression.

11 Q. Who was present when you were making these  
12 comments?

13 A. I believe it was Corporal Hoff and Officer  
14 Brown.

15 Q. After the conversation that you had with Bob  
16 Merrill, did he, in fact, make a complaint to your  
17 sergeant?

18 A. I know he said he made a complaint to the  
19 captain. I don't know if he made one directly to the  
20 sergeant or not.

21 Q. Who was your captain at the time?

22 A. That was -- I believe it was Hitch, Captain  
23 Hitch.

24 Q. At some point in your complaint process you had



1 a meeting with Captain Hitch and Sergeant Hyden, is  
2 that correct?

3 A. Yes.

4 Q. January 2006, somewhere around that time?

5 A. Yes.

6 Q. Was this after that meeting or before?

7 A. I believe it was after.

8 Q. Did Captain Hitch ever talk to you about the  
9 incident with Bob Merrill?

10 A. You know what? I don't recall if he did. I  
11 know Sergeant Hyden did.

12 Q. What happened as a result of Sergeant Hyden  
13 talking to you about that?

14 A. What do you mean what happened?

15 Q. What did she say to you?

16 A. She asked me to document what happened, and I'd  
17 explained to her -- I believe I explained to her that  
18 I was unsure because I felt -- because Bob Merrill had  
19 come to me later that day and apologized, so I felt it  
20 was -- I thought it was, like I said, squashed at that  
21 time, so -- but I said, okay, and I believe I  
22 verbalized it to her as well but I'm not 100 percent  
23 sure.

24 Q. What did he apologize to you for?



1 A. The use of his language towards me and the  
2 way -- and I guess, I would assume the manner in which  
3 he was confronting me and the language he used towards  
4 me and the comments he was using.

5 Q. When he used this language and these comments  
6 was anybody else present?

7 A. Not that I'm aware of, no.

8 Q. What were some other examples of Bob Merrill  
9 pushing the unit around that you referred to earlier?

10 A. There was circumstances where I believe he was  
11 always -- people were always -- and I believe even as  
12 well as Sergeant Hyden, there was some friction  
13 between her and Mr. Merrill just because it was -- he  
14 was always -- seemed to be that he was always -- he  
15 was trying to make decisions about the mounted unit  
16 that weren't his place I guess would be a good way to  
17 put it.

18 One particular incident he had with  
19 another officer in the mounted unit was Officer  
20 Guyton.

21 Q. What happened?

22 A. At that day I don't know where everybody was.  
23 I know Sergeant Hyden was in meetings. And I walked  
24 into the office. I heard some screaming and yelling.





1 I walked into the office. And it's Bob Merrill  
2 yelling at Officer Guyton. And I recall -- when I  
3 walked in, I was kind of taken aback. I don't know  
4 what had happened. And like I say, he was yelling and  
5 screaming. I don't know exactly what he was yelling  
6 and screaming. I don't recall. He was yelling. And  
7 as he exited the office I remember him saying, I need  
8 to talk to you. I need -- I already called the  
9 colonel and I need to talk to Sergeant Hyden right now  
10 and immediately, and you're in trouble and he was  
11 just -- he was yelling all this at Officer Guyton.  
12 And I was -- like I said, I walked in. Very quickly I  
13 said, "Andy, is everything all right?" And he was  
14 just -- I remember him saying to Bob, it's not -- I  
15 don't know what you're saying. Something along the  
16 lines as, I don't -- if you weren't there, I don't  
17 understand what the complaint is. As Bob exited the  
18 office yelling and screaming, real quick I said,  
19 "Andy, what's going on?" He said something about one  
20 of the barn managers felt he was speeding into work in  
21 his police car.

22 So I was aware that he had had a previous  
23 problem with Officer Guyton about his horse almost  
24 dying. So, as Bob was walking across the courtyard, I



1 went out and I said, I requested, I said, "Bob, come  
2 back. Let's talk about this. What's going on?" And  
3 I intervened and asked him to come back to the office.  
4 And I said, "What's -- let's try to iron this out.  
5 What's going on?" I only did that -- I just felt like  
6 Andy, he doesn't -- he doesn't speak -- I doesn't talk  
7 a whole lot about things. As a senior member of the  
8 unit, I thought I could be helpful without him trying  
9 to drag Sergeant Hyden out of the meeting.

10 And the two of them talked. And it seemed  
11 like everything kind of calmed down. And later that  
12 day Bob had thanked me for intervening and trying to  
13 assist in just something that he blew way, way out of  
14 control.

15 Q. When did this incident happen with him and  
16 Andy?

17 A. I don't know exactly when. It was -- I don't  
18 recall exactly when it happened.

19 Q. Was it after the incident that you had with Bob  
20 Merrill?

21 A. No.

22 Q. It was --

23 A. I'm sorry. It was prior to that.

24 Q. Possibly 2005, if the thing that happened with



1 you took place in, say, early 2006, would it be fair  
2 to say it was sometime in 2005 or before that?

3 A. Probably 2005.

4 Q. Well, actually it would have had to have  
5 happened in 2005, right, because his administration  
6 didn't take office until 2005, right?

7 A. Okay. I think.

8 Q. You've been here too.

9 A. I think that's accurate, yes.

10 Q. Mike Eckerd, what can he tell us, number 38?

11 A. Okay. Mike Eckerd is an officer who, as well  
12 as Chris Shanahan had an incident with Bob Merrill.

13 Q. What was Mike Eckerd's incident with Bob  
14 Merrill?

15 A. That was when I was still in the mounted unit,  
16 and from my belief, it was a very similar incident to  
17 Officer Shanahan where Mike Eckerd was working an  
18 extra duty job for a Sleep Under the Stars, and if I  
19 recall, one of the entrances to the park was blocked  
20 off with cones and flares to funnel everybody coming  
21 to the park through a certain entrance. And I believe  
22 Mike was working that gate when Bob Merrill in his  
23 vehicle ran over all the cones and flares or something  
24 of that nature and sort of stormed the entrance. When



1 Mike stopped him, I guess very verbally -- "What are  
2 you doing? You're running over everything." And if I  
3 recall correctly, his response -- Bob's response was  
4 something of the nature that "This is my park. I'll  
5 do what I want."

6 Q. And do you recall the time period when this  
7 happened?

8 A. It was a Sleep Under the Stars, so it had to be  
9 either fall or spring Sleep Under the Stars I would  
10 assume. I would guess maybe 2005.

11 Q. Aside from all the people that we just  
12 discussed and aside from your family possibly, are  
13 there any other people who would have knowledge of the  
14 matters contained of in the complaint?

15 A. Not that I can recall.

16 Q. Did you ever discuss the allegations that were  
17 contained in the complaint with your co-workers,  
18 either while you were on the mounted unit or while you  
19 were at SPU during working hours?

20 A. There were times when people would ask me what  
21 happened quite frequently. A lot of people would ask  
22 me what happened, and I would give them my opinion. I  
23 wouldn't go into a dissertation on every detail of  
24 every thing. And my opinion was what my opinion was.



1 Q. Was that the only time you discussed it when  
2 someone asked you a question of what happened or did  
3 you ever initiate a conversation about matters  
4 contained in the complaint?

5 A. I don't recall if I initiated them or people  
6 asked.

7 Q. Earlier I had asked you, you know, when you  
8 thought your problems, your issues with Sergeant Hyder  
9 started, and I believe you said it was at the end of  
10 2004, is that correct?

11 A. That's the first incident that I can recall  
12 where we had a -- I guess you could call it a fairly  
13 major conflict.

14 Q. What was that? What happened back then?

15 A. On the day that we are talking about -- I don't  
16 know exactly what day -- Sergeant Hyden was on  
17 vacation.

18 Q. Can you give me an approximate time period in  
19 2004 that this was?

20 MR. MARTIN: Off the record.

21 (Discussion off the record.)

22 BY MS. SANFRANCESCO:

23 Q. December 2004?

24 A. December 2004, yes.



1 Q. Sergeant Hyden was on vacation and what  
2 happened?

3 A. I was the acting supervisor that day.

4 Q. Sergeant Hyden asked you to be acting  
5 supervisor?

6 A. I believe so.

7 Q. Okay.

8 A. I recall we were getting ready to -- we were  
9 preparing to go out on patrol. And I believe it was  
10 Officer Brown told me that I -- I think he said he had  
11 a -- he just got off the phone with Conrad. I believe  
12 his last name is DeMatteas and I don't know how to  
13 spell it. He works as our, I guess, our liaison  
14 between the motor garage area and works with our  
15 vehicles, coordinates things with the vehicles  
16 themselves.

17 He had -- Officer Brown had told me  
18 that -- you know, I don't recall if he spoke with  
19 Conrad or I did. I believe it was just Bill that  
20 spoke with -- I'm sorry -- Officer Brown that spoke  
21 with Conrad that two vehicles -- two vehicle's radar  
22 units were scheduled for calibration that morning at  
23 the Duncan Road office and that those two radar units  
24 happened to be his, Officer Brown's, and mine.



1 Q. These were, you said, vehicle radar units,  
2 correct?

3 A. It's the -- yeah -- radar units that are in the  
4 vehicles. Each officer is assigned a vehicle so  
5 you're also -- that radar unit is assigned to you.

6 Q. Okay.

7 A. And --

8 Q. Now, before you continue, prior to receiving  
9 this call from Conrad, what was the mounted unit's  
10 assignment for that day?

11 A. We called it the DOR area.

12 Q. What does DOR stand for?

13 A. I believe it stand for Dunleaf, Overview  
14 Gardens, Rose Gate, that whole area in the northern  
15 Route 9 area of New Castle County.

16 Q. And how did the mounted unit get to being  
17 assigned to this area?

18 A. I believe the colonel had asked the sergeant,  
19 Sergeant Hyden, for us to target that area.

20 Q. How long was this to be your assignment, the  
21 mounted unit?

22 A. I don't remember.

23 Q. Do you recall whether or not it was the type of  
24 assignment that you were there until further notice or



1 maybe for two days you're going to be in this  
2 particular area?

3 A. Like I said, I know we were assigned to patrol  
4 that area that day. I don't recall the length of time  
5 we were going to be there.

6 Q. And so what happened as a result of Officer  
7 Brown getting that call?

8 A. Well, being the acting supervisor, he told me  
9 about it. And I recall going -- immediately going  
10 to the -- we have a desk calendar in the office, and  
11 everything that we do, every parade we're scheduled  
12 for, every event we're schedule for, every event we  
13 are scheduled for is written on that calendar. So I  
14 recall looking at the calendar and I saw nothing of  
15 the -- nothing about the radar being calibrated, and I  
16 recall asking Bill, do you know how we were -- what  
17 was the circumstances because he had spoke with  
18 Conrad. And I believe Bill, Officer Brown had stated  
19 that Conrad said he'd made -- he made the appointment  
20 through Officer Hennessey.

21 Q. Did Conrad say when that was?

22 A. Yeah. I don't believe I spoke with Conrad.

23 Q. I'm sorry. Did Officer Brown ever tell you?

24 A. Just that it was previously scheduled.





1 Q. Did that appointment -- was it reflected on the  
2 calendar?

3 A. It was not on the calendar.

4 Q. So what happened?

5 A. Well, knowing that each radar unit is  
6 calibrated once a year in the company outside of the  
7 state, and I've been through it before, I decided  
8 that -- what I did was I decided me and Bill -- being  
9 that Duncan Road was on our way to the assignment and  
10 not far from the stables, I directed everybody else  
11 other than myself and Officer Brown to the DOR area  
12 for patrol duties.

13 Q. Who else was working that day?

14 A. I don't recall. I know Corporal Hoff, Officer  
15 Brown. I don't believe Officer Hennessey was or I --  
16 my belief is I probably would have asked him if he  
17 knew about that -- if he remembered scheduling that  
18 with Conrad. So I don't recall who else was out  
19 there.

20 Q. Do you remember if Officer Guyton was there?

21 A. Possibly.

22 Q. So you were on your way to the assignment and  
23 you just stated that Duncan Road was on the way.

24 A. I made a decision. I told everybody else in



1 the unit to respond out there and begin the patrol  
2 duties and that, as soon as myself and Officer Brown  
3 completed the vehicle calibration, we would meet up  
4 with them over there. And just from past knowledge of  
5 doing the vehicle calibrations, I knew it took  
6 approximately usually anywhere between an hour or two.

7 Q. Had Sergeant Hyden left you any instructions  
8 for that day?

9 A. To patrol the DOR area.

10 Q. Did you leave the mounted unit and then go to  
11 Duncan Road to get the units calibrated?

12 A. Yes. Me and Officer Brown did.

13 Q. What time did you leave?

14 A. I don't recall. It was in the morning.  
15 Somewhere after eight o'clock, usually when we report  
16 to the office. I don't recall the exact time we were  
17 there.

18 Q. Did the rest of the mounted unit report to the  
19 DOR air at the same time that you left, or beforehand?

20 A. I don't recall if exactly it was before or  
21 after. It was probably around the same time. I don't  
22 recall.

23 Q. Was it your understanding that, while you were  
24 getting the radar units calibrated, that the rest of



1 unit was at the DOR area?

2 A. Yes.

3 Q. How long were you at the garage at Duncan Road?

4 A. I believe -- I believe it was approximately an  
5 hour and a half or so.

6 Q. Did you get the units calibrated?

7 A. Yes.

8 Q. What did you do after you got the units  
9 calibrated?

10 A. Responded over to the DOR area.

11 Q. Did you go straight to the DOR area from the  
12 garage?

13 A. Actually it was from Duncan Road, the Duncan  
14 Road office, but I believe we did.

15 Q. Could you have calibrated these radar units at  
16 another time?

17 A. It is my belief that, no. They were scheduled  
18 from this company, and it was my belief that they  
19 needed -- it was previously scheduled, and my fear was  
20 that if I -- if we rescheduled, then the certificate  
21 may lapse and then any possible testifying in court on  
22 any ticket you may have given via the radar would be  
23 inadmissible. So I felt it was very important.

24 Q. Now, these were the radar units in your vehicle



1 and Officer Brown's vehicle, correct?

2 A. I'm pretty sure, yeah.

3 Q. And how often did you and Officer Brown run  
4 radar from your vehicles?

5 A. I don't recall how often we did that.

6 Q. Do you have any knowledge of records that might  
7 be kept regarding how often you did that?

8 A. Repeat that question.

9 Q. Are there any records indicating when you would  
10 have used your radar system in the car?

11 A. Possibly.

12 Q. Do you know where those records are?

13 A. Do I know where they are?

14 Q. What they are called or where they are at?

15 A. They would be, I assume, radar logs.

16 Q. While you are on the mounted patrol unit, did  
17 you run radar frequently from your vehicle?

18 A. No. Not frequently.

19 Q. When you said the certificates would lapse,  
20 what does that mean?

21 A. Okay. I know that the certificates are good  
22 for a year. I don't know the exact dates. I didn't  
23 look at the exact radar logs and say, "This is the  
24 date that they expired," but my impression is, if they



1 expire, that any ticket you may give with that radar  
2 unit would possibly be inadmissible if the radar units  
3 are not calibrated and those certificates are not kept  
4 up-to-date. It is my impression that that's why they  
5 schedule it a certain time.

6 Q. So after you were at Duncan Road, you responded  
7 to the DOR area where everybody else was, is that  
8 correct?

9 A. Yes.

10 Q. What happened upon getting to the DOR area?

11 A. I recall being immediately contacted by  
12 Corporal Hoff.

13 Q. What did she say?

14 A. That Sergeant Hyden wanted to speak with me  
15 immediately, that I needed to call her at home.

16 Q. Did she say why?

17 A. I don't recall if she said why.

18 Q. Did you call Sergeant Hyden at home?

19 A. Yes.

20 Q. The complaint says that upon information and  
21 belief Sergeant Hyden asked Corporal Hoff to call her.  
22 Is that your belief?

23 A. Being that Corporal Hoff is the one that  
24 confronted me and told me that Sergeant Hyden wanted



1 me to contact her at home, it's my belief that -- yes.

2 Q. Did you ever find out one way or the other  
3 whether that actually occurred?

4 A. I don't think I did.

5 Q. Then what happened?

6 A. I contacted Sergeant Hyden at home by  
7 telephone.

8 Q. What did she say?

9 A. She explained how I -- her displeasure at the  
10 fact I had the radar units calibrated and that I  
11 was -- had a whole unit -- something along the lines  
12 of her displeasure about that. We were assigned to  
13 the DOR area. Why did I have the whole unit doing  
14 vehicle calibrations. And I explained that it wasn't  
15 the whole unit doing vehicle calibrations. It was  
16 only two units that were due for calibration, myself  
17 and Officer Brown.

18 The conversation from Sergeant Hyden to  
19 myself, in my opinion, got a little heated. Raising  
20 her voice, yelling on the phone. I was just trying to  
21 explain to her that it was my belief that these  
22 units -- it was very important and that's why we did  
23 it, but that the other units had responded out to the  
24 patrol area.



1 Q. Why did you think Sergeant Hyden was upset?

2 A. I could not immediately understand why because,  
3 as well as the unit being in the DOR area, this was  
4 another function that, in my opinion, needed to occur.  
5 It was previously scheduled. So there was some  
6 confusion on my part as to why she was so angry about  
7 the vehicles going to be calibrated by me and Officer  
8 Brown.

9 Q. You had stated earlier that Colonel McAllister  
10 had assigned the mounted patrol to the DOR area, is  
11 that correct?

12 A. That's correct.

13 Q. And do you have an understanding as to why he  
14 wanted the mounted patrol unit at the DOR area?

15 A. Repeat that again.

16 Q. Do you have an understanding as to why Colonel  
17 McAllister wanted the mounted patrol unit at the DOR  
18 area?

19 A. I would assume it was a high crime area. They  
20 wanted it patrolled.

21 Q. So was there anything else said during your  
22 conversation with Sergeant Hyden on the telephone?

23 A. There was a lot said from her towards me, just  
24 explaining her displeasure and felt that I had done



1 the wrong thing. And like I said, I explained on a  
2 couple of occasions, I believe, during that  
3 conversation that the unit was there. We're there  
4 now. That the conversation on the phone -- the longer  
5 we were on the phone discussing it, took away from our  
6 time getting out there. And I was confused on why she  
7 was so, in my opinion, so angry about it, that  
8 decision I had made.

9 Q. Do you recall at what time this conversation  
10 took place?

11 A. It was I think it was late morning, but exact  
12 time I don't know.

13 Q. Do you recall if you and Officer Brown had gone  
14 to lunch by that time?

15 A. I don't recall.

16 Q. Do you recall if you and Officer Brown had gone  
17 to lunch before you responded to the DOR area?

18 A. I don't -- I don't recall.

19 Q. How did you leave the conversation with  
20 Sergeant Hyden?

21 A. I don't recall how it ended, just that she had  
22 explained it and her displeasure and that was it.

23 Q. Did she give you any other directions prior to  
24 the end of the conversation?





1 A. I don't recall if she did.

2 MR. MARTIN: Is this a good time to break  
3 for lunch?

4 MS. SANFRANCESCO: I am almost done.  
5 Probably have a few more questions. Then maybe after  
6 this topic we can break. Is that good?

7 MR. MARTIN: If that's okay with the  
8 witness? Are you okay?

9 THE WITNESS: That's fine.

10 MR. MARTIN: I'm sorry. I thought you had  
11 finished with that incident.

12 MS. SANFRANCESCO: No. I'm sorry.

13 BY MS. SANFRANCESCO:

14 Q. Did Sergeant Hyden give you any instructions  
15 about meeting with the unit that day?

16 A. If I recall, when we got back to the stables, I  
17 don't recall if it was me or somebody else who  
18 answered the phone. I'm not exactly sure. But being  
19 that she wanted the unit to stay until she came in off  
20 vacation to talk to us.

21 Q. She had a vacation day, but do you know where  
22 she was?

23 A. My understanding was she was at home, but I  
24 can't say for sure.



1 Q. Who did she ask to have the unit wait for her  
2 at the end of day? Who did she tell you that to?

3 A. I don't recall.

4 Q. I'm asking because paragraph 24 of the amended  
5 complaints states that "following her call to Sergeant  
6 Hyden, Corporal Hoff approached Corporal Hill and told  
7 him that Sergeant Hyden wanted him to telephone her at  
8 home immediately. During this conversation Sergeant  
9 Hyden expressed her anger and displeasure with  
10 Corporal Hill's decision to have the radar units  
11 calibrated, At times raising her voice. She  
12 instructed Corporal Hill to hold the entire unit over  
13 after hours for a meeting with her. Does this refresh  
14 your recollection at all?

15 A. Repeat the last --

16 MR. MARTIN: May he actually read it?

17 Q. Yes. It's paragraph 24, the last sentence.

18 MR. MARTIN: Take your time.

19 A. Okay.

20 Q. Do you recall Sergeant Hyden asking you --

21 A. I believe it was me. To my best recollection  
22 it was me on the phone, but I can't be 100 percent  
23 sure.

24 Q. Do you recall the unit meeting at the end of



1 the day and Sergeant Hyden coming in?

2 A. I recall us waiting for Sergeant Hyden to get  
3 there, yes.

4 Q. Where did you meet?

5 A. It was in the mounted office, Carousel Park.

6 Q. Do you recall who you were waiting with or who  
7 was there during the meeting?

8 A. Everybody else in the mounted unit.

9 Q. That worked that day?

10 A. I believe so.

11 Q. What did Sergeant Hyden say when she got there?

12 A. She expressed her displeasure at the fact that  
13 we were not in the DOR area like previously  
14 instructed. Now, while she was stating these facts,  
15 everybody was, like I said, from that day, I believe,  
16 was in the office. The majority of her displeasure,  
17 in my opinion, was focussed on me because I was the  
18 one who the eye contact was on, in my opinion the eye  
19 contact was on most of the time. So I mean, I  
20 understood that it was a fact that me and Officer  
21 Brown had done this, but my feeling was at that time  
22 that it was directed at myself.

23 Q. What about Officer Brown, did you feel that she  
24 directed any of that at Officer Brown?



1 A. There was a point where Officer Brown -- I  
2 recall him speaking up and saying he felt something  
3 along the lines of he didn't understand because he  
4 thought we had to get that done. But the majority of  
5 it, I felt, was directed at myself.

6 Q. Was any of it directed at the rest of the unit?

7 A. When it was relayed, it was relayed in a manner  
8 of which, in my opinion, it was a unit. I want the  
9 unit there, the unit that, but it was my opinion that  
10 it was directed more so at myself.

11 Q. If you could take a look at paragraph 28 of the  
12 amended complaint and just read through that  
13 paragraph.

14 A. Mm-hmm.

15 Q. That states that "Sergeant Hyden held a private  
16 meeting with Corporal Hill, again, reprimanding him  
17 for going forward with the calibrations."

18 A. Okay.

19 Q. Who initiated this private meeting?

20 A. I believe I initiated the meeting and asked if  
21 I could speak with her after the unit had left.

22 Q. And how long did that meeting last?

23 A. I don't recall. Maybe approximately 15  
24 minutes. I don't recall exactly how long.



1 Q. What was your intention on initiating that  
2 private meeting?

3 A. I had felt that, like I said earlier, that her  
4 complaint was primarily directed at me and that I was  
5 trying to get clarification on that, if that was her  
6 intent then. I made that decision. I felt it was the  
7 right decision to make. And I stand by that decision.  
8 So that -- I was trying to understand that.

9 Q. What did she say?

10 A. I recall her repeating that the whole unit was  
11 supposed to be in the DOR area. I don't recall  
12 getting any clarification on my comments. So it was  
13 kind of a general "I want the unit in the DOR area.  
14 The unit should have been in the OR area." And the  
15 conversation that I wanted to have, I didn't get  
16 any -- I didn't get the clarification that I thought I  
17 would get. So I just wanted to make it clear that I  
18 felt it was the right decision to make.

19 Q. And paragraph 29 of the complaint says, "Upon  
20 information and belief, Sergeant Hyden's anger over  
21 this very minor issue is attributable to her feeling  
22 threatened by a male performing her job."

23 Is this your opinion?

24 A. Yes.



1 Q. Can you explain what that means?

2 A. Exactly what it says. I just feel that she  
3 took exception to more -- I felt that she exaggerated  
4 the issue more than needed to be. I felt it was a  
5 very minor issue, the fact that we did this. I felt  
6 it was a right decision to make. And I felt that, if  
7 it would have been someone other than myself who was a  
8 male officer, that she would have possibly handled the  
9 incident a lot differently.

10 Q. If this was Officer Hennessey, do you think she  
11 would have handled the incident differently?

12 A. I don't know.

13 Q. Well, Officer Hennessey is a male such as  
14 yourself, correct?

15 A. Correct.

16 Q. Do you think she would have handled it  
17 differently if it was Corporal Hoff or any other  
18 female?

19 A. Possibly.

20 Q. But it's your belief that she felt threatened  
21 by a male performing her job. Can you elaborate on  
22 that, or no?

23 A. Once again, like I just explained, I felt that  
24 the fact that I made this decision -- it was a

